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**Board of Vocational Nursing
and Psychiatric Technicians**

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**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2011-843

**KARMEN VONDELL WRIGHT
5840 Peppermill Court, #2
Sacramento, California 95841**

A C C U S A T I O N

Vocational Nurse License No. VN 219036

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians ("Board"), Department of Consumer Affairs.

2. On or about February 8, 2006, the Board issued Vocational Nurse License Number VN 219036 to Karmen Vondell Wright (Respondent). Respondent's vocational nurse license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2013, unless renewed.

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STATUTORY PROVISIONS

3. Business and Professions Code ("Code") section 2875 provides, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

4. Code section 118, subdivision (b), provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under Code section 2892.1, the Board may renew an expired license at any time within four years after the expiration.

5. Code section 2878 states, in pertinent part:

The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

(a) Unprofessional conduct . . .

. . . .

(f) Conviction of a crime substantially related to the qualifications, functions, and duties of a licensed vocational nurse, in which event the record of the conviction shall be conclusive evidence of the conviction . . .

6. Code section 2878.5 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist or podiatrist administer to himself or herself or furnish or administer to another, any controlled substance as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Section 4022.

(b) Use any controlled substance as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public, or to the extent that the use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving possession of any narcotic or dangerous drug, or the prescription, consumption, or self administration of any of the substances described in subdivisions (a) and (b) of this section, in which event the record of the conviction is conclusive evidence thereof . . .

1 7. Code section 2878.6 states:

2 A plea or verdict of guilty or a conviction following a plea of nolo
3 contendere made to a charge substantially related to the qualifications, functions and
4 duties of a licensed vocational nurse is deemed to be a conviction within the meaning
5 of this article. The board may order the license suspended or revoked, or may decline
6 to issue a license, when the time for appeal has elapsed, or the judgment of conviction
7 has been affirmed on appeal or when an order granting probation is made suspending
8 the imposition of sentence, irrespective of a subsequent order under the provisions of
9 Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty
10 and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing
11 the accusation, information or indictment.

12 8. Health and Safety Code section 11170 states that no person shall prescribe,
13 administer, or furnish a controlled substance for himself.

14 9. Health and Safety Code section 11377, subdivision (a), states:

15 Except as authorized by law and as otherwise provided in subdivision (b)
16 or Section 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of
17 Division 2 of the Business and Professions Code, every person who possesses any
18 controlled substance which is (1) classified in Schedule III, IV, or V, and which is not
19 a narcotic drug, (2) specified in subdivision (d) of Section 11054, except paragraphs
20 (13), (14), (15), and (20) of subdivision (d), (3) specified in paragraph (11) of
21 subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of subdivision
22 (f) of Section 11054, or (5) specified in subdivision (d), (e), or (f) of Section 11055,
23 unless upon the prescription of a physician, dentist, podiatrist, or veterinarian,
24 licensed to practice in this state, shall be punished by imprisonment in a county jail
25 for a period of not more than one year or pursuant to subdivision (h) of Section 1170
26 of the Penal Code.

27 COST RECOVERY

28 10. Code section 125.3 provides, in pertinent part, that the Board may request the
administrative law judge to direct a licensee found to have committed a violation or violations of
the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
enforcement of the case.

CONTROLLED SUBSTANCES

11. "Methamphetamine" is a Schedule II controlled substance as designated by Health
and Safety Code section 11055, subdivision (d)(2).

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Criminal Conviction)**

3 12. Respondent is subject to disciplinary action pursuant to Code section 2878,
4 subdivision (f), in that on or about December 1, 2011, in Placer County Superior Court, Case No.
5 62-108271B, Respondent pled guilty to violating Health and Safety Code section 11550,
6 subdivision (a) (use or under the influence of a controlled substance), a misdemeanor, a crime
7 substantially related to the qualifications, functions, and duties of a licensed vocational nurse.
8 The circumstances of the crime are as follows: On or about August 11, 2011, at approximately
9 2335 hours, an officer with the Rocklin Police Department ("RPD") conducted a traffic stop on a
10 vehicle. The officer contacted Respondent, who was sitting in the right front passenger seat.
11 Respondent appeared very nervous, was fidgety and unable to sit still, repeatedly shifted from
12 side to side, and was moving her arms and legs. Respondent also had a dry mouth and lips, her
13 speech was soft spoken or excited, and her face appeared "sunken in". Respondent admitted to
14 the officer that she had been using methamphetamine for about two years, had last used
15 methamphetamine earlier that day, and that she had taken 3 or 4 "hits from a pipe". Respondent
16 was arrested and transported to the RPD. The officer conducted a drug influence evaluation of
17 Respondent and determined that she was under the influence of a central nervous system
18 stimulant and was a danger to herself or others.

19 **SECOND CAUSE FOR DISCIPLINE**

20 **(Possession and Self-Administration of Controlled Substances)**

21 13. Respondent is subject to disciplinary action pursuant to Code section 2878,
22 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2878.5,
23 subdivision (a), in that Respondent did the following:

24 **Possession of Controlled Substances:**

25 a. On or about February 20, 2012, Respondent possessed the controlled substance
26 methamphetamine, in violation of Health and Safety Code section 11377, subdivision (a), as
27 follows: On or about February 20, 2012, officers with the Citrus Heights Police Department
28 observed Respondent and a male subject arguing on the side of a roadway. When the officers

1 made contact with Respondent, she admitted that she was on formal probation out of Placer
2 County for a narcotics charge; i.e., the conviction of December 1, 2011, set forth in paragraph 12
3 above. The officers searched Respondent and located a clear plastic baggie in the front right coin
4 pocket of her jeans. The baggie contained a white crystal substance which was later determined
5 to be methamphetamine. Respondent admitted to the officers that she had just purchased the
6 methamphetamine and had a methamphetamine pipe hidden in her bra.

7 **Self-Administration of Controlled Substances**

8 b. On or about August 11, 2011, Respondent self-administered the controlled substance
9 methamphetamine without lawful authority therefor, as set forth in paragraph 12 above.

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(Use of Controlled Substances to an Extent or in a Manner**

12 **Dangerous or Injurious to Oneself and Others)**

13 14. Respondent is subject to disciplinary action pursuant to Code section 2878,
14 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2878.5,
15 subdivision (b), in that in and between 2009 and August 11, 2011, Respondent used the controlled
16 substance methamphetamine to an extent or in a manner dangerous or injurious to herself and
17 others, as set forth in paragraph 12 above.

18 **FOURTH CAUSE FOR DISCIPLINE**

19 **(Criminal Conviction Involving Use of Controlled Substances)**

20 15. Respondent is subject to disciplinary action pursuant to Code section 2878,
21 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2878.5,
22 subdivision (c), in that on or about December 1, 2011, Respondent was convicted of a criminal
23 offense involving the use of controlled substances, as set forth in paragraph 12 above.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians issue a decision:

1. Revoking or suspending Vocational Nurse License Number VN 219036, issued to Karmen Vondell Wright;

2. Ordering Karmen Vondell Wright to pay the Board of Vocational Nursing and Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: April 29, 2013



TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant